

To: Morrison, Kay[morrison.kay@epa.gov]; Davis, Tim[Davis.Tim@epa.gov]
Cc: Hart, Daniel[Hart.Daniel@epa.gov]
From: McClain-Vanderpool, Lisa
Sent: Thur 8/13/2015 1:38:39 AM
Subject: RE: Emergency Response to Gold King Mine Release Contact Us About Emergency Response to the Gold King Mine Release form (I'll fix that right now)

Just so you know there is another aspect of that Claims verbage that is being hammered out by OGC - there was confusion by the Navajo that filing a claim would waive their right to any further damage but that is only true when a settlement is final and/or if they file a law suit that references their claim. I'm waiting for that language from OGC.

Lisa McClain-Vanderpool
Public Affairs Specialist/Media Officer
Office of Communications and Public Involvement
US Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, Colorado 80202
Office 303.312.6077
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From: Morrison, Kay
Sent: Wednesday, August 12, 2015 4:29 PM
To: Davis, Tim; McClain-Vanderpool, Lisa
Cc: Hart, Daniel
Subject: RE: Emergency Response to Gold King Mine Release Contact Us About Emergency Response to the Gold King Mine Release form (I'll fix that right now)

How about this:

People who suffer personal injury or property damage from U.S. government actions may make a claim for compensation.

- Learn about the [claims process in EPA's Regulation 40 Part 10](#), you may need to provide documentation to support your claims.
- Use [Standard Form 95](#) to file claims for loss of employment, loss of income, loss or damage to property, or other claims. Please fill out the form as completely as possible.
- Mail the completed forms to **ONE** of the following individuals, or email a signed electronic version to R8_GKM_Claims@epa.gov

Richard Feldman
Claims Officer
U.S. EPA Office of General Counsel
1200 Pennsylvania Avenue, NW (MC 2399A)
Washington, DC 20460

Michael Nelson
U.S. EPA Region 8 Office of Regional Counsel
1595 Wynkoop Street (MC 8RC)
Denver, CO 80202

Although EPA's regulations state that it has 6 months to resolve a claim, we will make every effort to respond to Gold King Mine release claims as soon as possible. Claims must be presented to EPA **within two years after the claim accrues**.

Please note that a completed form must state a claim for money damages in a "sum certain" amount (that is, a specific amount) claimed for personal injury, death, or injury to or loss of property. In addition, if a sum certain is not specified in Standard Form 95 block 12d, or in accompanying information, a submission cannot be considered a valid presentation of a claim.

Standard Form 95 is used to present claims against the United States under the Federal Tort Claims Act (FTCA) for property damage, personal injury, or death allegedly caused by a federal employee's negligence or wrongful act or omission occurring within the scope of the employee's federal employment. Standard Form 95 is not required to present a claim under the FTCA, but it is a convenient format for supplying the information necessary to bring an FTCA claim.

[link to <http://www.ecfr.gov/cgi-bin/text-idx?SID=bd7c2e93c7d08a843b5f7aa2a00e669e&mc=true&node=pt40.1.10&rgn=div5> for "claims process in EPA's Regulation 40 Part 10"]
[link to http://www2.epa.gov/sites/production/files/2015-08/documents/standardform95_4.pdf for "Standard Form 95" - there's really no reason to link to the bottom of the page in this case, it just makes them click twice, and they're probably frustrated enough. This is a good time to waive the rules about PDF file size etc.]

Kay Morrison
206-553-8321

-----Original Message-----

From: Davis, Tim

Sent: Wednesday, August 12, 2015 2:58 PM

To: Morrison, Kay; McClain-Vanderpool, Lisa

Cc: Hart, Daniel

Subject: RE: Emergency Response to Gold King Mine Release Contact Us About Emergency Response to the Gold King Mine Release form (I'll fix that right now)

Absolutely, Kay! Go for it! :)

-----Original Message-----

From: Morrison, Kay
Sent: Wednesday, August 12, 2015 3:54 PM
To: Davis, Tim; McClain-Vanderpool, Lisa
Cc: Hart, Daniel
Subject: RE: Emergency Response to Gold King Mine Release Contact Us About Emergency Response to the Gold King Mine Release form (I'll fix that right now)

I'm happy to help Tim. Any chance you'd like some more help with the language on that page? It's kind of written in the passive style, which we're not supposed to do any more.

Also it claims that the process is for citizens, but I'm wondering if legal non-citizens might also be eligible in which case you'd want to say "people" ...

Also, there's no link to "EPA's regulations at 40 CFR Part 10" in the first paragraph, which it looks like people need to read first.

Let me know if you'd like me to take a crack at it.
k

Kay Morrison
206-553-8321

-----Original Message-----

From: Davis, Tim
Sent: Wednesday, August 12, 2015 2:28 PM
To: McClain-Vanderpool, Lisa; Morrison, Kay
Cc: Hart, Daniel
Subject: Emergency Response to Gold King Mine Release Contact Us About Emergency Response to the Gold King Mine Release form (I'll fix that right now)

Thanks SO much for pointing that out, Kay! Good to hear from you!

From: drupal_admin@epa.gov <drupal_admin@epa.gov> on behalf of EPA <drupal_admin@epa.gov>
Sent: Wednesday, August 12, 2015 9:05 PM
To: R8EISC
Subject: Form submission from: Emergency Response to Gold King Mine Release Contact Us About Emergency Response to the Gold King Mine Release form

Submitted on 08/12/2015 5:05PM

Submitted values are:

Name: Kay Morrison
Email Address: morrison.kay@epa.gov
Comments: You have a typo in the headline of the page about SF95. The headline reads "Claims Process and Standard Form 95 for Damage, Injury of Death as a Result of Gold King Mine Release" - it should be Injury *OR* Death, not injury of death.